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August 15, 2008

Karen Lee Creech, Esq., James Gerald Mellen, Esq.
& Timothy J. Fricker, Esq.
Fricker & Mellen & Associates
409 13th St., 17th floor
Oakland, CA 94612

Charan M. Higbee & Adrienne Clare Publicover, Esqs.
Wilson Elser Moskowitz et al
525 Market St., 17th floor
San Francisco, CA 94105-2722

Re: Clecak v. Apple Computer, Inc.'s Short and Long Term Disability Program; C 08-01987
WDB MED

Dear Counsel:

Pursuant to the NOTICE OF APPOINTMENT OF MEDIATOR filed on August 5, 2008, I have been appointed by the District Court for the Northern District of California to serve as the mediator in the above-referenced case.

My conflicts check has revealed no actual or potential conflicts of interest under 28 U.S.C. § 455 (a) or (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality in this matter.

Pursuant to ADR Local Rule 6-6, I will conduct a telephone conference with you (not including your clients) prior to scheduling the formal mediation session. I would expect that we would discuss the following subjects in that conference call:

- General discussion of the nature of the case and the issues presented
- What, if any, explorations of settlement have been undertaken thus far
- Procedures to be followed in carrying out the mediation process
- Date, location and anticipated length of the mediation session
- Parties who should attend the mediation session; attorneys who will attend
- Requirements for your mediation statements
- Pro bono time and possible fees

I anticipate that the telephone conference will last approximately **30 minutes**. I am

currently available on the following dates and during the corresponding time frames for conducting the telephone conference:

Tuesday August 26, 2008- 9:00 to 11:30 AM and 1:30 PM- 3:30 PM

Wednesday August 27, 2008- 9:00 to 11:30 AM

Tuesday September 16, 2008- 9:30 to 11:30 AM and 1:30 PM- 4:30 PM

Friday September 19, 2008- 9:30 to 11:30 AM

Please communicate with each other to select a day and a time period from those listed above for the telephone conference. Please notify me of your selection no later than 5 PM on Thursday August 21, 2008. You may notify me via telephone, e-mail or fax. If none of these dates work for you, please notify me as soon as you determine that fact.

In addition to preparing yourselves to discuss the points listed above, I suggest that prior to our telephone conference you review ADR Local Rules 6-1 through 6-13 pertaining to the court's mediation procedures.

I've included a biographical sketch of my background for your information.

I look forward to hearing from you and in working with you to achieve a mutually acceptable evaluation/settlement of this case.

Sincerely,

Charles S. Loughran
Mediator